

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TYLIK HUNTER,

Plaintiff,

-against-

9:20-CV-0065 (LEK/DJS)

A. ROUSE, *et al.*,

Defendants.

DECISION AND ORDER

I. INTRODUCTION

Plaintiff Tylik Hunter brings this pro se action against two employees of Greene Correctional Facility: counselor A. Rouse and correction officer C. Putnan. See Docket. Plaintiff initiated this action on January 17, 2020. Dkt. No. 1 (“Complaint”).

On February 22, 2021, the Honorable Daniel J. Stewart, United States Magistrate Judge, recommended dismissal of the Complaint for failure to prosecute. Dkt. No. 28 (“Report-Recommendation”).

For the reasons that follow, the Court adopts the Report-Recommendation in its entirety.

II. BACKGROUND

On January 12, 2021, this Court denied Defendants’ motion to dismiss, approving and adopting an earlier report-recommendation by Magistrate Judge Stewart. Dkt. No. 22. On January 21, 2021, Defendants attempted to serve their answer on Plaintiff via mail, but the mail was returned as undeliverable. See Dkt. Nos. 23-1; 24.

On January 22, 2021, Magistrate Judge Stewart ordered Plaintiff to provide the court and opposing counsel with his updated address. See Dkt. No. 25 (“January Order”). The

January Order was also returned as undeliverable. See Dkt. No. 26.

On February 22, 2021, Judge Stewart recommended dismissal of the Complaint for failure to prosecute. See generally Report-Recommendation.

III. LEGAL STANDARD

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b); see also L.R. 72.1(c). A court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. See *Barnes v. Prack*, No. 11-CV-857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); see also *Demuth v. Cutting*, No. 18-CV-789, 2020 WL 950229, at *2 (N.D.N.Y. Feb. 27, 2020) (Kahn, J.). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." § 636(b).

IV. DISCUSSION

Because no objections were filed, see Docket, the Court reviews the Report-Recommendation for clear error. Finding none, the Court adopts the Report-Recommendation.

V. CONCLUSION

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 28) is **APPROVED and**

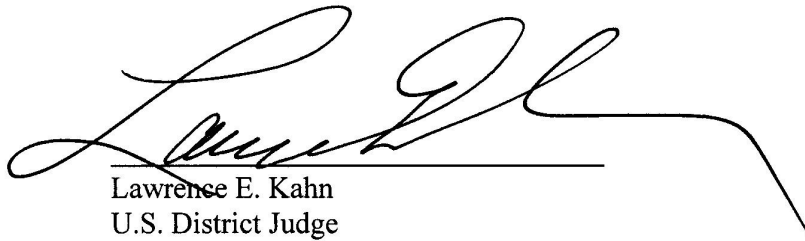
ADOPTED in its entirety; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED without prejudice**; and it is further

ORDERED, that the Clerk of the Court shall serve a copy of this Decision and Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: April 23, 2021
Albany, New York



Lawrence E. Kahn
U.S. District Judge